

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TOMMIE LEE MCDOWELL, JR.,

Plaintiff,

v.

HULSEY et al.,

Defendants.

Case No. 3:19-cv-00230-MMD-WGC

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff paid the full filing fee in this matter. (ECF No. 11). The Court entered a screening order on April 28, 2020. (ECF No. 17). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 17, 24). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 28).

IT IS THEREFORE ORDERED that:

1. The Clerk of the Court shall electronically **SERVE** copies of this order, Plaintiff's complaint (ECF No. 18), and supplemental pleading (ECF No. 30) on the Office of the Attorney General of the State of Nevada, by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate acceptance of service.

2. Service must be perfected within ninety (90) days from the date of this order pursuant to Fed. R. Civ. P. 4(m).

3. Subject to the findings of the screening order (ECF No. 17) and supplemental screening order (ECF No. 29), within **twenty-one (21) days** of the date of entry of this order, the Attorney General's Office shall file a notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the defendants for whom it does not accept service, and (c) the names of the defendants

1 for whom it is filing the last-known-address information under seal. As to any of the
2 named defendants for whom the Attorney General's Office cannot accept service, the
3 Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known
4 address(es) of those defendant(s) for whom it has such information. If the last known
5 address of the defendant(s) is a post office box, the Attorney General's Office shall
6 attempt to obtain and provide the last known physical address(es).

7 4. If service cannot be accepted for any of the named defendant(s), Plaintiff
8 shall file a motion identifying the unserved defendant(s), requesting issuance of a
9 summons, and specifying a full name and address for the defendant(s). For the
10 defendant(s) as to which the Attorney General has not provided last-known-address
11 information, Plaintiff shall provide the full name and address for the defendant(s).

12 5. If the Attorney General accepts service of process for any named
13 defendant(s), such defendant(s) shall file and serve an answer or other response to the
14 complaint (ECF No. 18) and supplemental pleading (ECF No. 30) within **sixty (60) days**
15 from the date of this order.

16 6. Plaintiff shall serve upon defendant(s) or, if an appearance has been
17 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
18 document submitted for consideration by the Court. If Plaintiff electronically files a
19 document with the Court's electronic-filing system, no certificate of service is required.
20 Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff
21 mails the document to the Court, Plaintiff shall include with the original document
22 submitted for filing a certificate stating the date that a true and correct copy of the
23 document was mailed to the defendants or counsel for the defendants. If counsel has
24 entered a notice of appearance, Plaintiff shall direct service to the individual attorney
25 named in the notice of appearance, at the physical or electronic address stated therein.
26 The Court may disregard any document received by a district judge or magistrate judge
27 which has not been filed with the Clerk, and any document received by a district judge,
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1 magistrate judge, or the Clerk which fails to include a certificate showing proper service
2 when required.

3 7. This case is no longer stayed.

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5 DATED: September 23, 2020.

6 William G. Cobb
7 UNITED STATES MAGISTRATE JUDGE
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